



General Assembly

Substitute Bill No. 5238

February Session, 2004

* HB05238FIN_032904 *

**AN ACT CONCERNING COMPANION ANIMAL HEALTH
CERTIFICATES AND ESTABLISHING AN ANIMAL ABUSE COST
RECOVERY ACCOUNT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-329a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The Chief Animal Control Officer, any animal control officer or
4 any municipal or regional animal control officer may lawfully take
5 charge of any animal found neglected or cruelly treated, in violation of
6 sections 22-366, 22-415, as amended, and 53-247 to 53-252, inclusive,
7 and shall thereupon proceed as provided in subsection (b) of this
8 section, except that if, in the opinion of a licensed veterinarian, such
9 animal is so injured or diseased that it should be destroyed
10 immediately, such officer may humanely destroy or cause such animal
11 to be humanely destroyed.

12 (b) Such officer shall file with the superior court which has venue
13 over such matter a verified petition plainly stating such facts as to
14 bring such animal within the jurisdiction of the court and praying for
15 appropriate action by the court in accordance with the provisions of
16 this section. Upon the filing of such petition the court shall cause a
17 summons to be issued requiring the owner or owners or person having
18 responsibility for the care of the animal, if known, to appear in court at

19 the time and place named, which summons shall be served not less
20 than fourteen days before the date of the hearing. If the owner or
21 owners or person having responsibility for the care of the animal is not
22 known, notice of the time and place of the hearing shall be given by
23 publication in a newspaper having a circulation in the town in which
24 such officer took charge of such animal not less than fourteen days
25 before the date of the hearing. Such court shall further give notice to
26 the petitioner of the time and place of the hearing not less than
27 fourteen days before the date of the hearing.

28 (c) If it appears from the allegations of the petition and other
29 affirmations of fact accompanying the petition, or provided
30 subsequent thereto, that there is reasonable cause to find that the
31 animal's condition or the circumstances surrounding its care require
32 that its custody be immediately assumed to safeguard its welfare, the
33 court shall either (1) issue an order to the owner or owners or person
34 having responsibility for the care of the animal to show cause at such
35 time as the court may designate why the court shall not vest in some
36 suitable state, municipal or other public or private agency or person
37 the animal's temporary care and custody pending a hearing on the
38 petition or (2) issue an order vesting in some suitable state, municipal
39 or other public or private agency or person the animal's temporary
40 care and custody pending a hearing on the petition which hearing
41 shall be held within ten days from the issuance of such order on the
42 need for such temporary care and custody. The service of such orders
43 may be made by any officer authorized by law to serve process, state
44 police officer or indifferent person.

45 (d) If the court issues an order pursuant to subsection (c) of this
46 section vesting the animal's temporary care and custody in some
47 suitable state, municipal or other public or private agency or person,
48 the owner or owners shall either relinquish ownership of the animal or
49 post a surety bond or cash bond with the agency or person in whom
50 the animal's temporary care and custody was vested. The surety bond
51 or cash bond shall be in the amount of four hundred fifty dollars and
52 shall secure payment for the reasonable expenses of the agency or

53 person having temporary care and custody of the animal in caring and
54 providing for such animal until the court makes a finding as to the
55 animal's disposition under subsection (e) of this section or for thirty
56 days, whichever occurs first. The requirement that a bond be posted
57 may be waived if such owner provides satisfactory evidence that [he]
58 such owner is indigent and unable to pay for such bond.

59 (e) (1) If, after hearing, the court finds that the animal is neglected or
60 cruelly treated, it may vest ownership of the animal in any state,
61 municipal or other public or private agency which is permitted by law
62 to care for neglected or cruelly treated animals or with any person
63 found to be suitable or worthy of such responsibility by the court.

64 (2) If, after hearing, the court finds that the animal is so injured or
65 diseased that it should be destroyed, the court may order that such
66 animal be humanely destroyed.

67 (3) If, after hearing, the court finds that the animal is not neglected
68 or cruelly treated, it may cause the animal to be returned to its owner
69 or owners or person having responsibility for its care or, if such owner
70 or owners or person is unknown or unwilling to resume caring for
71 such animal, it may vest ownership of the animal in any state,
72 municipal or other public or private agency or person found to be
73 suitable or worthy of such responsibility.

74 (4) If the court makes a finding under subdivision (1) or (2) of this
75 subsection less than thirty days after the issuance of an order of
76 temporary care and custody under subsection (c) of this section and
77 the owner of the animal has posted a bond pursuant to subsection (d)
78 of this section, the agency or person with whom the bond was posted
79 shall return the balance of such bond to the owner. The amount of the
80 bond to be returned to the owner shall be calculated at the rate of
81 fifteen dollars per day for the number of days less than thirty that such
82 agency or person has not had temporary care and custody of the
83 animal.

84 (5) If the court makes a finding under subdivision (3) of this

85 subsection after the issuance of an order of temporary care and
86 custody under subsection (c) of this section and the owner of the
87 animal has posted a bond pursuant to subsection (d) of this section, the
88 agency or person with whom the bond was posted shall return such
89 bond to such owner.

90 (f) Unless the court finds that the animal is not neglected or cruelly
91 treated, the expense incurred by the state or a municipality in
92 providing proper food, shelter and care to an animal it has taken
93 charge of under subsection (a) of this section and the expense incurred
94 by any state, municipal or other public or private agency or person in
95 providing temporary care and custody to an animal under subsection
96 (c) of this section, calculated at the rate of fifteen dollars per day, shall
97 be paid by the owner or owners or person having responsibility for the
98 care of the animal.

99 (g) If the court vests ownership of the animal in the Commissioner
100 of Agriculture pursuant to subdivision (1) of subsection (e) of this
101 section, the commissioner may conduct a public auction of the animal
102 under such conditions the commissioner deems necessary or the
103 commissioner may consign the animal to a livestock auction. In a case
104 where rehabilitative or special care of such animal is required, the
105 commissioner may vest ownership of such animal in an individual or a
106 public or private nonprofit animal rescue or adoption organization
107 which annually places ten or more animals in private homes as pets.

108 (h) There is established a separate, nonlapsing account within the
109 General Fund, to be known as the "animal abuse cost recovery
110 account". All moneys collected from sales at public auction of domestic
111 animals seized by the Department of Agriculture pursuant to section
112 22-329 shall be deposited into the account. Deposits of moneys may be
113 made into the account from public or private sources, including, but
114 not limited to, the federal government or municipal governments.

115 (i) Notwithstanding any provision of the general statutes, any
116 moneys received by the Department of Agriculture pursuant to

117 subsection (h) of this section shall be deposited in the General Fund
 118 and credited to the animal abuse cost recovery account. The account
 119 shall be available to the Commissioner of Agriculture for the purpose
 120 of the housing, care and welfare of any domestic animal seized by the
 121 department, until final disposition of such animal. Nothing in this
 122 section shall prevent the commissioner from obtaining or using funds
 123 from sources other than the account for the housing, care and welfare
 124 of any domestic animal seized by the department pursuant to section
 125 22-329a.

126 (j) The commissioner shall report annually concerning the activities
 127 and status of the animal abuse cost recovery account to the joint
 128 standing committees of the General Assembly having cognizance of
 129 matters relating to appropriations and agriculture.

130 Sec. 2. Section 22-354 of the general statutes is repealed and the
 131 following is substituted in lieu thereof (*Effective from passage*):

132 Any dog or cat imported into this state shall be accompanied by a
 133 certificate of health issued no earlier than thirty days prior to the date
 134 of importation by a licensed, graduate veterinarian stating that such
 135 dog or cat is free from symptoms of any infectious, contagious or
 136 communicable disease, and that such dog or cat, if three months of age
 137 or older, is currently vaccinated for rabies by a licensed veterinarian. A
 138 copy of such health certificate shall be forwarded promptly to the
 139 commissioner from the livestock sanitary official of the state of origin.
 140 Any dog or cat originating from a rabies quarantine area must have
 141 permission of the State Veterinarian prior to importation into this state.
 142 No person, firm or corporation shall import or export for the purposes
 143 of sale or offering for sale any dog or cat under the age of eight weeks
 144 unless such dog or cat is transported with its dam and no person, firm
 145 or corporation shall sell within the state any dog or cat under the age
 146 of eight weeks. Any person, firm or corporation violating the
 147 provisions of this section or bringing any dog or cat into this state from
 148 an area under quarantine for rabies shall be fined not more than one
 149 hundred dollars or imprisoned not more than thirty days or both.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>

ENV *Joint Favorable Subst.*

FIN *Joint Favorable*